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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,570	01/25/2001	Tsutomu Yamazaki	011350.266	3577

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,570

Applicant(s)

YAMAZAKI, TSUTOMU

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1> This action is in response to Applicant's remarks. Claims 15-21 have been added. Claims 1-21 are presented for further examination. This action is a non-final rejection.

Response to Arguments

2> Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

3> In regards to Applicant's remarks concerning the Fischer reference [pages 12 and 16 of the remarks], Applicant seems to be asserting that Fischer merely discloses "determining reference location based on user information and an information gathering process which is executed as a background process". However, Fischer makes several references to the fact that "user information" includes usage frequency of the user in regards to the printer [column 8 «lines 30-33 and 42-44» : "usage counter"].

4> Applicant's arguments with respect to claims 9-14 have been carefully considered but are not persuasive.

5> With respect to Applicant's remarks concerning the combination of Yacoub and Fischer, specifically claims 9 and 14 [page 16 of the remarks], Applicant seems to be asserting that Yacoub and Fischer do not suggest compensating distance information based on the usage frequency or compensating a physical distance based upon frequency information.

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Fischer discloses compensating printer location based on usage frequency [abstract | column 8 «lines 30-33 and 42-44» : “usage counter”]. Yacoub discloses printer location information includes distance information [column 6 «lines 19-24»]. Therefore, the combination of Fischer’s compensation of a printer location with Yacoub’s teaching that printer location information includes the distance of the printer from various clients disclose the compensating distance information based on the usage frequency.

Additionally, Yacoub discloses compensating a physical distance from one piece of information equipment to another piece of information equipment based on position information [column 5 «line 64» to column 6 «line 15»]. As stated in the action, Yacoub does not disclose utilizing usage frequency between the two equipment. And as discussed previously, Fischer discloses utilizing user information, including usage frequency. Consequently, Fischer was used to teach the benefits of utilizing usage frequency in determining an appropriate printer. Clearly, one of ordinary skill in the art could have combined Fisher’s usage frequency functionality with Yacoub’s physical distance compensation so as to enable the use of the usage frequency in the calculation of the distance.

Examiner believes the combination of Yacoub and Fischer disclose the claimed limitations of claims 9-14 and these rejections are maintained.

6> It is Examiner’s position that the Applicant has not yet submitted claims drawn to limitations that clearly and distinctly define the operation and apparatus of Applicant’s disclosed invention in a manner that distinguishes over the prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7> Claims 1, 3, 8, 15, 19 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Fischer, U.S Patent No. 6,470,387, in view of Yacoub, U.S Patent No. 6,552,813.

8> As to claim 1, Fischer teaches a computer connected with a plurality of printers via a network, comprising:

a memory unit for storing printer location from the computer to each printer [column 6, lines 17-36, lines 40-55 and lines 59-66]; and

a compensating means for compensating the printer location stored in said memory unit according to a number of times each printer received a printing job from the computer [column 1, lines 62-67, column 3, line 36 to column 4, line 7 and column 7, lines 22-40].

However, Fischer does not explicitly disclose storing distance information.

9> In the same field of invention Yacoub is directed towards a networking printing system designed to automatically select the most convenient and capable printer for a user. Yacoub discloses storing distance information in addition to location information [column 6 «lines 19-24» : “physical location” (distance from the user)]. It would have been obvious to

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one of ordinary skill in the art to incorporate Yacoub's distance functionality into Fischer's location determination and updating system to enable the system to select the closest printer to the location of the user. One would have been motivated to perform such an implementation so as to select the most appropriate printer for the user.

10> As to claim 3, Fischer does not teach a computer further comprising a setup means for automatically setting up a closest printer among the compensated distance information when outputting a printing job from the computer.

11> Yacoub teaches a computer further comprising a setup means for automatically setting up a closest printer among the compensated distance information when outputting a printing job from the computer [column 5 «line 64» to column 6 «line 15»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Yacoub's automatic selection functionality in Fischer to minimize user interaction and to conveniently select the closest printer based on the user's location (column 15, lines 19-36).

12> As to claim 15, Fischer and Yacoub disclose the computer of claim 1 wherein said compensating means revising the distance information each time the printing job is received from the computer [column 8 «lines 20-59»].

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13> As to claim 8, Fischer discloses a method of allowing a computer to control a printer to output a printing job in a system where a plurality of printers and computers are connected via a network, comprising the steps of:

obtaining printer information from each computer to each printer [column 1 «lines 51-60» | column 6 «lines 27-44»];

compensating the obtained printer information according to a number of times each printer received a printing job from each computer [column 1, lines 62-67, column 3, line 36 to column 4, line 7 and column 7, lines 22-40].

However, Fischer does not explicitly disclose storing distance information or selecting a printer to be used for outputting a printing job from a plurality of printers based on the compensated distance information.

14> In the same field of invention Yacoub is directed towards a networking printing system designed to automatically select the most convenient and capable printer for a user. Yacoub discloses storing distance information in addition to location information [column 6 «lines 19-24» : “physical location” (distance from the user)]. It would have been obvious to one of ordinary skill in the art to incorporate Yacoub’s distance functionality into Fischer’s location determination and updating system to enable the system to select the closest printer to the location of the user. One would have been motivated to perform such an implementation so as to select the most appropriate printer for the user.

Additionally, Yacoub discloses selecting a printer to be used for outputting a printing job from a plurality of printers based on the compensated distance information [column 2

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«lines 9-15»). It would have been obvious to one of ordinary skill in the art to include Yacoub's selection functionality into Fischer to further help streamline the user experience by minimizing the required amount of user interaction in determining and selecting the best printer.

15> As to claim 19, Fischer discloses the method of claim 6, further comprising the step of compensating the obtained printer location information each time the printing job is received from one of the computers [column 8 «lines 20-59»], but does not disclose distance information.

16> Yacoub discloses storing distance information in addition to location information [column 6 «lines 19-24» : "physical location" (distance from the user)]. It would have been obvious to one of ordinary skill in the art to incorporate Yacoub's distance functionality into Fischer's location determination and updating system to enable the system to select the closest printer to the location of the user. One would have been motivated to perform such an implementation so as to select the most appropriate printer for the user.

17> As to claim 20, Fischer does not disclose said compensating means compensating the physical distance each time information is exchanged.

18> Yacoub discloses compensating means compensating the physical distance each time information is exchanged [column 5 «line 64» to column 6 «line 15»]. It would have been

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obvious to one of ordinary skill in the art to incorporate Yacoub's physical distance determination functionality into Fischer's location compensation means to further enable an informed selection of the most appropriate printer. Implementation of the physical distance determination in Fischer ensures that the user will travel the shortest possible distance in order to pickup his printouts [see Yacoub, column 5 «lines 30-34»].

19> Claims 2, 6, 7 and 18 are rejected under 35 U.S.C § 103(a) as being unpatentable over Fischer and Yacoub, in further view of Kageyama et al, U.S Patent No. 5,625,757 [“Kageyama”].

20> As to claim 2, Fischer and Yacoub do disclose a display means for displaying a print setup screen in a display format based on an order of priority [see Yacoub, column 5 «lines 61-63»] but does not specifically teach that the priority is according to the compensated distance information.

21> Kageyama discloses displaying printers in order of priority based on their distances from the user [column 24 «lines 29-35»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Kageyama's distance priority functionality into Fischer and Yacoub to enable ranking of the available printers based on their determined distances from the requesting user, displaying it to a user and allowing the user to select the physically closest printer.

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22> As to claim 6, as it is merely a method that claims the steps executed by the computer of claims 1 and 2, it does not teach or further define over the claimed limitations. Therefore, claim 6 is rejected for the same reasons set forth for claims 1 and 2.

23> As to claim 7, Fischer does not explicitly disclose a printer selection screen according to the order of priority set up.

24> Kageyama discloses a printer selection screen according to the order of priority set up [column 24 «lines 26-35»]. It would have been obvious to one of ordinary skill in the art to have incorporated Kageyama's printer selection screen so the user can easily select a desired printer from a list that has been prioritized for the user's convenience which streamlines her experience.

25> As to claim 18, Fischer discloses the method of claim 6, further comprising the step of compensating the obtained printer location information each time the printing job is received from one of the computers [column 8 «lines 20-59»], but does not disclose distance information or revising the order of priority for the printers each time the printing job is received.

26> Yacoub discloses storing distance information in addition to location information [column 6 «lines 19-24» : "physical location" (distance from the user)]. It would have been obvious to one of ordinary skill in the art to incorporate Yacoub's distance functionality into

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Fischer's location determination and updating system to enable the system to select the closest printer to the location of the user. One would have been motivated to perform such an implementation so as to select the most appropriate printer for the user.

Additionally, Yacoub discloses setup means revising the order of priority of each time a printing job is received by one of the printers [column 5 «line 55» to column 6 «line 15» where : Yacoub discloses ranking the available printers each time a printing request is received from a user]. It would have been obvious to one of ordinary skill in the art to incorporate Yacoub's update functionality into Kageyama to enable updating of printer information in regards to the user and the printer. Such functionality provides the most accurate information to the user.

27> Claims 4 and 5 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kageyama, in view of Fischer.

28> As to claim 4, Kageyama discloses an information equipment system comprising:
a plurality of printers and computers connected to a network [Figure 1];
a setup means for setting up an order of priority based on a distance between each and each computer between each printer and each computer [column 24 «lines 26-35» | column 29 «lines 15-24»]; and

a display means for displaying a printer selection screen in a display format based on the order of priority set up when selecting a printer [column 24 «lines 26-35» | column 29 «lines 15-24»].

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Kageyama does not explicitly disclose setting up an order based on usage frequency between each printer and each computer.

29> Fischer discloses utilizing usage frequency between each printer and each computer [column 8 «lines 30-33 and 42-46»]. It would have been obvious to one of ordinary skill in the art to incorporate Fischer's usage frequency into Kageyama's specification for prioritizing the printers. Fisher discloses that monitoring the usage frequency enables a system to help better determine printers that are most convenient (closest) to a particular user. Therefore, one would have been motivated to perform such an implementation to enable Kageyama's system to better prioritize printers.

30> As to claim 5, Kageyama discloses an information equipment system comprising:
a plurality of printers and computers connected to a network [Figure 1];
a setup means for setting up an order of priority based on a distance between each and each computer between each printer and each computer [column 24 «lines 26-35» | column 29 «lines 15-24»]; and

a selection unit for automatically selecting a printer based on the order of priority set up [column 10 «lines 9-16» | column 25 «lines 25-28»].

Kageyama does not explicitly disclose setting up an order based on usage frequency between each printer and each computer.

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31> Fischer discloses utilizing usage frequency between each printer and each computer [column 8 «lines 30-33 and 42-46»]. It would have been obvious to one of ordinary skill in the art to incorporate Fischer's usage frequency into Kageyama's specification for prioritizing the printers. Fisher discloses that monitoring the usage frequency enables a system to help better determine printers that are most convenient (closest) to a particular user. Therefore, one would have been motivated to perform such an implementation to enable Kageyama's system to better prioritize printers.

32> Claims 16 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kageyama and Fischer, in view of Yacoub.

33> As to claim 16, Kageyama does not disclose said setup means revising the order of priority of each time a printing job is received by one of the printers.

34> Yacoub discloses setup means revising the order of priority of each time a printing job is received by one of the printers [column 5 «line 55» to column 6 «line 15» where : Yacoub discloses ranking the available printers each time a printing request is received from a user]. It would have been obvious to one of ordinary skill in the art to incorporate Yacoub's update functionality into Kageyama to enable updating of printer information in regards to the user and the printer. Such functionality provides the most accurate information to the user.

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35> As to claim 17, as it does not teach or further define over the limitations of claim 16, claim 17 is rejected for the same reasons set forth for claim 16.

36> Claims 9, 10, 12, 13, 14 and 21 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yacoub, in view of Fischer.

37> As to claim 9, Yacoub discloses an information equipment system where a plurality of pieces of information equipment are connected via a network, comprising:

a memory unit for storing position information that represents a physical position of each piece of information equipment [column 5 «line 64» to column 6 «lines 15» : coordinates].

Yacoub teaches a compensating means for compensating a physical distance from one piece of information equipment to another piece of information equipment based on the position information [column 5 «line 64» to column 6 «lines 15»] but not according to a frequency of information exchange between the former and the latter.

38> Fischer teaches a compensating means for compensating a physical distance according to a frequency of information exchange between the former and the latter [column 6, line 59 to column 7, line 8]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to refashion Yacoub's compensating means to take into account the frequency of information exchange between two pieces of equipment as the frequency of usage is a good barometer to determine the physical proximity of the equipment.

39> As to claim 10, Yacoub teaches an information equipment system in which said information equipment includes a printing job transmission device for transmitting a printing job, said memory unit and said compensating means are provided in said printing job transmission device, and the transmitted printing job is executed by said printing device that is ready to print and closest to said printing job transmission device based on the distance after the compensation [Figures 2-5 | column 5 «lines 30-34» | column 5 «line 64» to column 6 «lines 15» | column 6 «line 65» to column 7 «line 9»].

40> As to claim 12, Yacoub teaches an information equipment system in which said information equipment includes a printing job transmission device for transmitting a printing job and a printing device for executing the printing job, said memory unit and said compensating means are provided in said printing job transmission device, and said information equipment system further comprises an instruction unit with which a user can select a printing device [abstract | column 9 «line 65» to column 10 «line 4» where : the server is the instruction unit and the user is given the choice of waiting between two printers; if he waits, he chooses the first printer, if he decides not to wait, he selects the second printer].

41> As to claim 13, Yacoub teaches an information equipment system comprising a printing job transmission device for transmitting a printing job and a printing device for executing the printing job, said memory unit and said compensating means are provided in said printing if an error occurs in said printing device that causes troubles in printing

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operation, said error information shall be issued to a printing job transmission device that is ready to receive information and is closest to said printing device based on the distance after the compensation [Figures 2-5 | column 5 «lines 30-34» | column 5 «line 64» to column 6 «lines 15» | column 6 «line 65» to column 7 «line 9» | column 9, lines 2-6 and lines 41-65].

42> Claim 14 is a computer readable recording medium which performs the actions of the information equipment system of claim 9. Therefore, claim 14 is rejected for the same reasons set forth in above paragraphs 19 and 20 for claim 9.

43> As to claim 21, Yacoub discloses compensating means compensating the physical distance each time information is exchanged [column 5 «line 64» to column 6 «line 15»].

44> Claim 11 is rejected under 35 U.S.C 103(a) as being unpatentable over Yacoub and Fischer as applied to claim 9 above, in further view of Dmitri et al (hereinafter Dmitri) U.S Patent No. 6,351,685.

45> Yacoub teaches an information equipment system in which said information equipment includes a printing job transmission device for transmitting a printing job and a printing device for executing the printing job, and a printing device, which is ready to print and closest to a printing job transmission device that transmitted a printing job based on the distance after the compensation [Figures 2-5 | column 5 «lines 30-34» | column 5 «line 64» to column 6 «lines 15» | column 6 «line 65» to column 7 «line 9»]

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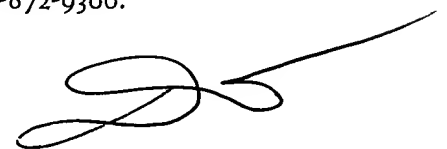
Yacoub teaches messaging functionality, a printing device, a printing job transmission device and distance checking functionality [Figures 2-5 | column 2 «lines 61-65» | column 5 «lines 30-34» | column 5 «line 64» to column 6 «lines 15» | column 6 «line 65» to column 7 «line 9»] but does not teach if the printing device is more distant than a specified threshold value from said printing job transmission device, a message stating said printing device is too far is issued to said printing job transmission device.

46> Dmitri teaches if a device is more distant than a specified threshold value from said transmission device (column 13, lines 28-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yacoub to include Dmitri's threshold distance functionality to properly ascertain whether or not the printer is in the right location in relation to the printing job transmission device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Dung C. Dinh
Primary Examiner

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC